IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.2209 OF 2006

Bhairam S. Singh .. ..Petitioner

Versus

Shivshankar Gokula Singh & Ors. .. ..Respondents

Mr.A.S.Dubey for petitioner

Mr.R.B.Singh for respondents

CORAM : P.V.KAKADE, J.

DATE : 12TH APRIL, 2006

P.C.:

1. Heard the learned counsel for both the parties. Perused the record.

2. The defendant-petitioner has preferred this petition against the interim order passed by the trial court discharging the notice for production of documents at the stage when the matter was kept for judgment.

3. Perusal of the record shows that the petitioner wanted to bring on record documents pertaining to the Notification issued by the State Government in the year 1989. The suit was filed in the year 1981 and earlier application for adjournment of the matter for production of the said document was withdrawn by the petitioner on 12.12.2005. Thereafter the evidence proceeded and was closed. The arguments were heard and matter was placed for judgment at which time the application was moved for permission to produce the documents on record. The learned trial judge after hearing both the sides rejected the application and hence the present petition.

4. Without further elaboration it must be noted that when the petitioner was aware of the Notification in the year 1989 in pending suit of 1981 it is not explained anywhere as to why the documents were not procured and produced prior to commencement of hearing of the suit or till December, 2005 when the matter was placed for judgment on 6.2.2006. Perusal of the order passed by the trial court appears to be just, legal and proper and therefore it would brook no interference, as the reasoning adopted and finding recorded by the trial court

is legal and proper. In the result the petition stands dismissed with no order as to costs.